

Official Minutes for Webb County Commissioners Court Meeting

Monday, April 11, 2005 at 1:00 PM and
Continuing Tuesday, April 12, 2005 at 1:00 PM
(Approved 05-09-2005)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:
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| Louis H. Bruni | County Judge |
| Frank Sciaraffa | Commissioner, Pct. 1 |
| Judith Gutierrez | Commissioner, Pct. 2 |
| Jerry Garza | Commissioner, Pct. 3 |
| Cynthia Brunner | Commissioner, Pct. 4 |
- Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 8th of April 2005. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.
- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk
- Item No. 3 Pledge of Allegiance – Led by all
- Item No. 4 Approval of minutes – March 14, 2005
- Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Garza seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 6 Communications
- Cmr. Cortez-Brunner advised the public that the asbestos report had been completed on the Azteca Community Center and no asbestos was detected.
- Item No. 5 Approval of bills, payroll and monthly reports
- Mr. Leo Flores, County Auditor, presented his monthly report to the Court. He stated that the Hotel Motel Fund balance was negative \$102,112. He stated that he advised the County Treasurer's office to not pay out anything out of that account until it was brought to a positive balance. He stated that when they continued to pay out of this account, he was forced to deactivate it. He stated that the Health Insurance Fund was currently at a deficit of \$1.690 million. He stated that a possible solution would be to increase employee contributions. He stated that the average federal inmate count has increased from 13 inmates in February to 129 in March. He stated that the sales tax revenue was over budget by \$366,084, though March 2004 showed

higher collections. He commended those departments that have exceeded their revenue projections. He stated that by maintaining a minimum 11 point difference between the percentage of revenues collected and the percentage of expenditures spent would equal to a savings of approximately \$500,000.

Cmr. Gutierrez stated that she hoped that those departments whose revenues are under budget will work to bring them up to the projections so that any negative impact to the budget can be kept to a minimum.

Cmr. Garza stated that the issue regarding the Health Insurance Fund needed to be addressed before the problem worsened. He stated that he would like to meet with the Health Insurance Committee to look into what options were available to lower the deficit.

Cmr. Gutierrez motioned to accept the Auditor's Report. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 6 Communications

Cmr. Cortez-Brunner advised the public that April was "Child Abuse Prevention Month" and stated that everyone needed to take the time to protect children. He encouraged everyone to wear blue ribbons since they represented the bruising that children receive from abuse.

Item No. 7 Public Comment

Mr. Richard Geissler was present to address Item No. 10. He stated that the Veterans' Coalition has fought to do what they can to protect something that they feel belongs to the residents of Webb County. He stated that the desk was of historical significance and deserved to be properly maintained and displayed.

Dr. Hector Farias was present to address Item No. 10. He stated that he knows that the desk in question is at the Human Resource Department in Austin, Texas. He stated that it was used as enticement to make sure that the Community Action Agency received good reports. He stated that no authorization was given by the court to sell or donate the desk. He stated that the County Attorney has not done what was needed to be done. He asked that the County Attorney be censured for all the wrongdoing that he has done.

Mr. Raul Perales was present to address Item No. 13. He stated that he had several concerns regarding the communication between the different local law enforcement agencies. He stated that the equipment used by the different law enforcement agencies was not compatible with each other. He stated that brainstorming needed to be done in order to develop an action plan with law enforcement agencies on both sides of the border. He stated that the increasing levels of violence on both sides of the border have adversely affected tourism in both cities.

Mr. Anthony Peterson was present to address Item No. 15. He stated that this item will allow the court to decide how many employees are needed for those departments under the Commissioners Court.

Item No. 8 Sheriff's proclamation: "National Crime Victims Rights Week," April 10-16.

Ms. Rachel Gonzalez, Sheriff's Crime Victims Coordinator, stated that it was not enough to simply catch the offender, but to remember the needs of the victim.

Ms. Linda Garza Martinez, District Attorney's Office, stated that their office realizes that more is needed than bringing the offender to justice and that there are many programs available to crime victims.

Item No. 9 Sheriff's proclamation: "National Telecommunicator's Week," April 10-16.

Sheriff Rick Flores stated that the telecommunicators are unsung heroes and are often overlooked. He stated that by recognizing their efforts, he hopes that they are no longer overlooked.

Comr. Cortez-Brunner motioned to move up Item No. 12. Comr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 12 Final report on rain enhancement for 2004 by the South Texas Rain Enhancement Association

Mr. Ted Walker was present to address the court. He stated that their report has been completed and that this has been the best year yet. He stated that the project has produced an excess of 6,000 acre feet of water (over 3,000 gallons) and reduced the cost to 3½¢ per acre. He stated that 25% of the state is currently using some form of weather modification. Judge Bruni congratulated Mr. Walker for the great work and progress that has been made and stated that he looked forward to working with him in the future. Comr. Gutierrez also congratulated Mr. Walker and stated that this has not only affected Webb County residents but Lake Casa Blanca as well.

At this time, the microphone and speaker system went out. Court recessed temporarily.

BREAK (2:38 PM TO 3:34 PM)

Judge Bruni stated that he had been advised by Mr. Homero Ramirez, County Attorney, that it would be inappropriate to continue having the meeting without the proper recording available to the public. He stated that only four items would be taken today and the court would reconvene tomorrow as posted in the agenda.

Mr. Homero Ramirez, County Attorney, stated that the court had several options and that ending the proceedings was not mandatory. He was advised by Mrs. Margie Ramirez Ibarra, Webb County Clerk that due to the electronic malfunction there would be no audio or visual recording of the meeting. He stated that the court can reconvene tomorrow as posted in the agenda and recommended that no controversial items be heard today. He also stated that the court can decide to go in to Executive Session and take action on those items tomorrow.

- Item No. 13 Status report on the current state of drug related gang violence in the two Laredo's with discussion and possible action to order an exception to the competitive bidding process as necessary to preserve and protect the public health and safety of the residents of Webb County thereby allowing the Webb County Sheriff, together with the Webb County Purchasing Agent, to immediately purchase equipment and materiel according to its priority equipment list, and any other matters incident thereto.

Judge Bruni motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that this item was to request a discretionary exception to be able to purchase necessary equipment and material without having to go out for bids or proposals. He stated that if the court decided to approve this item, they would also have to declare an order for the discretionary exception.

Judge Bruni amended his motion to include the approval of an order granting discretionary exception. Cmr. Gutierrez amended her second.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to impose a hiring freeze until further notice for all departments under the direct supervision of the Commissioners Court, and any other matters incident thereto. [Co-Sponsored by Commissioner Cindy Cortez Brunner]

Cmr. Sciaraffa stated that this item would not affect elected officials or those positions funded with grant monies.

Cmr. Sciaraffa motioned to approve the item as submitted. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 18 Discussion and possible action to enter into a Letter of Understanding for Services with Official Payments Corporation ("OPC") which will allow citizens to pay, by electronic means, fees, fines, court costs or other charges imposed by the Webb County Justice of the Peace, Precinct 4, and authorizing the Webb County Judge to sign all relevant documents.

Cmr. Garza stated that this would make government more convenient. He stated that this would be a pilot program with Judge Oscar Martinez, Justice of the Peace, Pct. 4. He stated that he hoped that other JPs would follow. He stated that OPC was one of the largest processors of online payments and takes care of several federal operations.

Cmr. Garza motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, stated that Chapter 132 of the Local Government Code requires that elected officials request approval from the Commissioners Court for electronic payments.

- Item No. 17 Report from Turner Collie & Braden on the status of the Water and Sewer Improvements Project on Colonias located on Hwy 359, and FM 1472 (Mines Road) and FM 3338 (Las Tiendas Rd)

Cmr. Gutierrez stated that Mr. Pete Kendall was present to address the court. She stated that due to the importance of this issue, she requested that Mr. Kendall do his presentation when the court reconvenes tomorrow. Mr. Kendall stated that due to a prior engagement, he would be unable to attend tomorrow's meeting but would be available on the 18th to address the court. Cmr. Gutierrez requested that Mr. Kendall submit his report to the court so that it could be read at tomorrow's meeting. She stated that some colonias are ready and have all the easements and ROWs in place. She stated that this item needed to be addressed in order to get a start date in perspective.

Cmr. Sciaraffa motioned to move into Executive Session. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (3:43 PM TO 4:38 PM)

Judge Bruni reconvened the meeting and stated that no action was taken while in Executive Session.

Mr. Homero Ramirez, County Attorney, stated that Item No. 52, No. 53, No. 54 and No. 55 were for status reports only.

- Item No. 52 Discussion and possible action to grant Cerrito Gathering Company, Ltd. an easement and pipeline right of way over the Webb County School Lands, known as the Llano and/or Penjamo Pastures, and authorizing the County Judge to sign all relevant documents.
[Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Status report only.

- Item No. 53 Discussion and possible action regarding use of County property along US Highway 59 by: 1) Laredo Rifle and Pistol Club; 2) Combined Law Enforcement Agencies Range; and 3) Law Enforcement Range.
[Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Status report only.

- Item No. 54 Status report on Cause # 2003-CVQ-1374-D1 Webb County v Chevron U.S.A., Inc. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]
- Status report only.
- Item No. 55 Status report on Cause # 2003-CVQ-001368-D2 Webb County vs. Conoco, Inc [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]
- Status report only.
- Item No. 56 Discussion and possible action relating to Bid # 2004-72 - Webb County School Lands Cuchillas and Lomas Pastures Hunting Lease. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]
- Mr. Homero Ramirez, County Attorney, recommended that the court rescind the awarding of Bid 2004-72 to Mr. Rubio and request bids for hunting and grazing lease.
- Cmr. Sciaraffa motioned to approve the item as submitted. Cmr. Garza seconded the motion.
- Cmr. Gutierrez expressed concerns about the action being requested. Mr. Ramirez stated that he advised the court at previous meetings that the approval was for a hunting lease only since the court had decided to only allow a hunting lease for this property.
- Motion carried 4-1 with Cmr. Gutierrez voting against.
- Item No. 57 Discussion and possible action to hire the Law Firm of Allison, Bass & Associates, L.L.P. to represent Webb County's interest regarding the Proposed Regional Landfill on Highway 359 by the Regional Land Management Services, LTD, for a type 1 Municipal Solid Waste Permit (No. MSW-2286) and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]
- Mr. Homero Ramirez, County Attorney, recommended the court approve this item due to the specialty of this issue and the initial fee would be \$5,000.
- Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 58 Discussion and possible action to rescind the Court's action of February 14, 2005 approving a contract with Tetra Tech, Inc., and authorizing

the County Engineer to negotiate with the next qualified proposer for Proposal #P` -2004-4 "Secondary Water Source Exploration," and any matters incident thereto. [Executive Session is requested pursuant to Texas government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].

Judge Bruni motioned to rescind the action taken on February 14th and start negotiations with the second lowest bidder. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Garza motioned to recess the meeting until tomorrow at 1:00 p.m. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

MEETING RECESSED AT 4:44 PM

Official Minutes for Webb County Commissioners Court Meeting

Meeting Continuing Tuesday, April 12, 2005 at 1:00 PM

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

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|------------------|----------------------|
| Louis H. Bruni | County Judge |
| Frank Sciaraffa | Commissioner, Pct. 1 |
| Judith Gutierrez | Commissioner, Pct. 2 |
| Jerry Garza | Commissioner, Pct. 3 |
| Cynthia Brunner | Commissioner, Pct. 4 |

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 8th of April 2005. Present also were Mr. Marco A. Perez, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Pledge of Allegiance – Led by all

- Item No. 6 Communications

Judge Bruni stated that the Laredo Morning Times had quoted Mayor Betty Flores as saying that the city was in discussions with the Mayor of Tamaulipas for the construction of a rail bridge at the World Trade Bridge. He stated that though Mayor Flores may want everything that the county is getting, it was her choice but he stated that it would never happen. He stated that conversations with the governor regarding the county's rail bridge construction at Camino Colombia have gone well.

Mr. Carlos Villarreal, Executive Administrator, stated that he has met with Mr. Oscar Collazo regarding the presidential permit and has received a positive reaction. He stated that a letter submitted by the Texas Department of Transportation issuing the Right of Ways for the construction of the rail bridge. He stated that the city's proposed location at the World Trade Bridge would result in additional congestion in a populated area.

Cmr. Garza stated that the rail district was created some time back. He stated that he has met with the mayor of Austin and stated that rail traffic is a problem in all areas. He stated that this was a very worthwhile project and stated that it needed to be done as soon as possible.

Cmr. Gutierrez stated that she and the rest of the court supported this endeavor whole heartedly. She stated that Mr. Villarreal was very active in the project and requested a status report at the next meeting.

Cmr. Garza stated that Mr. Javier Gonzalez, Mr. Ramiro Barrera and Mr. Carlos Villarreal have already been re-appointed to the board and is only pending one appointment by the court.

Ms. Patricia Barrera, Tax Assessor Collector, stated that she recognized the court's tactics towards the city as negative. She stated that the railroad should be far away from the inner city but felt that it was in the best interest of the city to move the railroads.

- Item No. 10 Discussion regarding the sale of the "Pershing Desk," the circumstances under which it was sold, including the buyer, purchase price, manner and time of payment, with possible action to rescind the sale, if possible, and any other matters incident thereto.

Ms. Cynthia Mares, Community Action Agency Director, stated that when she took over in 1999, the desk was already in the office. She stated that when the department prepared to move into the Administration Office, there was surplus furniture, including the desk in question. She stated that she was advised by the Purchasing Department that if the item was not tagged or on the inventory log, it was possible that the item was purchased with grant monies. After speaking with the state, she was advised that surplus items purchased with grant monies could be disposed of but that any monies received for it would need to be deposited into that grant account. She stated that it was sold in 2003 to Mr. Guerrero as a personal sale to an individual. She stated that as per a letter she received from Mr. Guerrero, he would be willing to donate the desk back to Webb County and can have it here by the end of the week. Judge Bruni stated that he would like for the sale to be rescinded so that the desk can be donated to the Laredo Veterans' Museum. He stated that this would alleviate another headache and problem.

Judge Bruni motioned to rescind the sale and donate the Pershing Desk to the Laredo Veterans' Museum. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Discussion and possible action to appoint Mr. Robert Summers and Mr. Ambrosio Garza as Directors on the Board of the Webb County Drainage District 1.

Cmr. Sciaraffa motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 16 Discussion and possible action to authorize Mr. Juan Vargas, Director of Economic Development and Mr. Tomas M. Rodriguez, Jr., P.E., Webb County Engineer, to negotiate an interlocal agreement with the City of Laredo to pay FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) to the City of Laredo from the Tanquecitos I Sanitary Sewer Collection System Project, TCDP Contract #722205 for the construction of a Sanitary Sewer System in colonia Tanquecitos I and any matters incident thereto.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 19 Discussion and possible action to set a date for a special meeting to discuss reorganization of the Risk Management/Human Resources Department.

Cmr. Garza stated that this department was established last year but that no plans have been put in place to organize it. He stated that Mr. Jorge Flores, Interim Risk Manager, has met with several court members in regards to this. He stated that this was a very important project and requested that Mr. Carlos Villarreal and Mr. Raul Casso meet with members of the court to set a date for a special meeting to discuss this item further.

Cmr. Garza motioned to have Mr. Raul Casso and Mr. Carlos Villarreal set a date for this special meeting. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20 Discussion and possible action to appoint Dr. Michael Yoder to the Webb County Rural Rail District Committee.

Cmr. Garza motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 21 Discussion and possible action to appoint Daniel Barrera to the Webb County Grievance Committee.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 22 Staff update on identifying an employee slot number and possible funds available for a public information officer.

Cmr. Garza motioned to table Item No. 22. Cmr. Sciaraffa seconded the motion.

Judge Bruni stated that he has some monies in his budget to hire someone as soon as the hiring freeze was lifted.

Motion carried 5-0 by unanimous consent.

- Item No. 23 Discussion and possible action to appoint Ms. Idalia Lerma to the Community Action Agency Advisory Board.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

MEDIA BREAK (2:10 PM TO 2:20 PM)

- Item No. 36 Discussion and possible action to approve request from the Tax Assessor Collector's Office, Dept 0700, Casa, Voz de Los Niños, a non-profit organization, is requesting office space at the Tex-Mex Building, in the SW corner, known as the Engineering Dept., space not to exceed 1,000 sq. ft. CASA is also requesting access to telephone lines and the internet.

Cmr. Sciaraffa motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 52 Discussion and possible action to grant Cerrito Gathering Company, Ltd. an easement and pipeline right of way over the Webb County School Lands, known as the Llano and/or Penjamo Pastures, and authorizing the County Judge to sign all relevant documents. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Gutierrez motioned to grant the ROW with damages at \$4.50 per linear foot. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 37 Discussion and possible action for the Commissioners Court to approve requests from the Tax Assessor-Collector's office, Dept. 0700:
Refunds due as follows:

1. EOG Resources (Minerals) c/o Ernst & Young LLP
1401 McKinney #1200, Houston, TX 77010-2007
Accts. #038365222, 038365622, 038365722
Reason: Split as per new Division Order for 2004
Total Refund: \$20,858.10
2. Team Iron Angel, LTD
1310 N. Bartlett Ave., Laredo, TX 78043-3446
Acct. #90090381014
Reason: Protest 2004, 11147 Determined on 3/17/05 for 2004
Total Refund: \$2,646.76

Cmr. Cortez-Brunner motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 24 Discussion and possible action to approve a line item transfer from Park Development Pct. 3 Acct. No. 695-6004-8710-3 for \$4,465.00 to Capital Outlay Series 2002 Acct. No. 696-1120-8801 to purchase a scanner for the County Clerk.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 25 Discussion and possible action to approve a transfer of \$1,000 from the Materials & Supplies to the books and subscriptions line item for the 341St District Court.

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| From: | Materials & Supp. | 001-1003-6205 | \$1,000.00 |
| To: | Books & Sub. | 001-1003-6010 | \$1,000.00 |

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 26 Discussion and possible action for approval to accept additional funding from Texas Department of Housing and Community Affairs (TDHCA), for the Comprehensive Energy Assistance Program (CEAP), FY 2005, in the amount of \$124,610.00.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 27 Discussion and possible action to accept grant award from the Texas Department of Housing and Community Affairs (TDHCA) for the Weatherization Program, FY 2005-06, in the amount of \$ 173, 646.00. Grant Award is for two (2) Program components:

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|---|--------------|
| Low-Income Heating & Energy Assistance (LIHEAP) | \$ 93,408.00 |
| Department of Energy Grant (DOE) | \$ 80,238.00 |

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 28 Discussion and possible action to approve a Line Item Transfer as follows:

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| From: | Telephone | 001-2501-6004 | \$ 1,000.00 |
| To: | Uniform | 001-2501-6202 | \$ 1,000.00 |

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 29 Discussion and possible action to enter into a design-build contract with CG Construction Inc., D/B/A CC Construction in the amount of TWO HUNDRED TWENTY-SIX THOUSAND FIVE HUNDRED NINETY-

THREE DOLLARS AND TEN CENTS (\$226,593.10) for the construction of a new administration building and stage canopy at LIFE Downs and authorizing the County Judge to sign all relevant documents. Back-up already submitted.

Cmr. Cortez-Brunner motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Mr. Juan Vargas, Economic Development Director, stated that the expansion was not a part of the original design.

Cmr. Sciaraffa withdrew his second.

Cmr. Gutierrez seconded the motion with discussion.

Cmr. Gutierrez stated that the expansion at the Mirando City, Larga Vista and Bruni Community Centers was done very well.

Motion carried 5-0 by unanimous consent.

- Item No. 30 Discussion and possible action to enter into an annual non-financial cooperative agreement with the South Texas Food Bank for the Webb County Community Action Agency to act as a "pantry" for the distribution of USDA commodities supplied to the Community Action Agency by the South Texas Food Band and authorizing the Webb County Judge to execute all relevant documents. [Requested by Community Action Agency]

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 31 Discussion and possible action to approve a Local Match Fund with Border Region MHMR for FY 2004 in the amount of TWENTY THOUSAND DOLLARS (\$20,000.00) and for FY 2005 in the amount of TWENTY THOUSAND DOLLARS (\$20,000.00) and any matters incident thereto and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 32 Discussion and possible action to accept 3 rights of way, out of Pueblo Nuevo Subdivision, 3 rights of way out of D-5 Acres Subdivision, one (1) right of way out of Ranchitos Peñitas West Subdivision, and 7 rights of way out of Los Centenarios Subdivision, and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33 Discussion and possible action to set the process, procedure and timelines for the submission and evaluation of applications for the Third Party Funding and any matters incident thereto.

Cmr. Gutierrez stated that Third Party Funding Applications were posted on the Webb County website and that most organizations already knew of the application deadline. Mr. Raul Casso, Chief of Staff, stated that the county sends a memo to all Third Party Funding recipients once the budget process has begun to be sure how much money will be available for Third Party Funding. He stated that some do not respond and some of those who do and are awarded fail to submit invoices to the County. He stated that this has not been a consistent program or process. He stated that he would advise the court when the correspondence is sent to the applicants along with the due date.

- Item No. 34 Discussion and possible action to enter into a professional services agreement for architectural services with Turner, Hickey and Associates to inspect and evaluate the Court House Annex structural conditions and provide a recommendation on improvements required to protect the structure, correct hazardous material (remediation), replacement and repair of roof, repair or replace mechanical equipment (HVAC), correct architectural barriers to include ADA compliance, historic preservation and meet all local, state and federal safety and building code requirements for a fee of six percent (6%) of construction cost with final plans and specifications due no later than eight (8) months from notice to proceed and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 35 Discussion and possible action to approve the purchase of one (1) Fujitsu M 4097D Flatbed Scanner in the amount of \$4,464.79 plus shipping from Commissioner Pct. 3, Capital Outlay Account No. 696-1120-8801.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 38 Discussion and possible action on approving a resolution authorizing the submission of a grant application to the Texas Department of Housing and Community Affairs HOME Investment Partnership

Program. This program would provide funding for the rehabilitation / reconstruction of homes for low to very low income families residing in Webb County's colonias. Grant amount not to exceed \$500,000. No Cash Match.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 39 Discussion and possible action to authorize the filling of a temporary grant position, Slot # 2211 (Housing Intake Clerk) at \$8.25 per hour based on experience, at no cost to the General Fund.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 40 Discussion and Possible Action Authorizing the negotiations of Change Order No. 4 to Satterfield & Pontikes Construction, Inc., to delete the construction of the raw water intake structure and raw water pump station.

Cmr. Sciaraffa motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 41 Discussion and Possible Action Authorizing Change Order No. 2 to Gilbert Texas Construction, Inc. Increasing the Contract from \$1,819,946.64 by \$53,414.00 to a total of \$1,873,360.64. The increase is due to additional storm drainage for the TXDOT Border Colonias Access Program Rio Bravo Paving and Storm Drainage Phase I Project.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 42 Discussion and Possible Action Authorizing Change Order No. 4 to Closner Construction, Inc. Increasing the Contract from \$1,074,944.32 by \$66,682.23 to a total of \$1,141,626.55, and increase in time of 75 days. This Change Order is due to the installation of an 8 inch water line on the west side of Pena to prevent the cutting of the street. It also will allow the installation of four fire hydrants at El Pico Rd to meet the City's requirements for the Los Corralitos Plat. This is for the water line replacement TWDB-EADP Project and TXDOT Border Colonias Access Program Los Corralitos Project.

Comr. Sciaraffa motioned to approve the item as submitted. Comr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 43 Discussion and Possible Action Rescinding the selection of URS Corporation for the Hazard Mitigation Plan that occurred on April 26, 2004, and authorizing the Purchasing Agent and the County Engineer to advertise for "Request for Proposals" for a "Flood Mitigation Plan for Colonias on Hwy 59".

Comr. Sciaraffa motioned to approve the item as submitted. Comr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 44 Discussion and Possible Action Authorizing Change Order No. 3 increasing the contact price from \$1,500,289.80 by \$67,303.16 to \$1,567,592.96 to Jimmy Closner Construction Company for the TWDB-EDAP El Cenizo Water Line Replacement Project.

Comr. Sciaraffa motioned to approve the item as submitted. Comr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 45 Discussion and possible action to fill slot # 2051, part-time Substitute Teacher (15 hrs/week for 10 months) with an annual salary of \$4,721, effective April 12, 2005 through May 28, 2005 for a total prorated salary of \$750.75.

Comr. Sciaraffa motioned to approve the item as submitted. Comr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 46 Discussion and Possible Action to approve the following changes for personnel of the Webb County Indigent Services Department effective April 11, 2005. The salary increases are equal to the salary decreases and the amount of personnel costs budgeted for fiscal year 2004-2005 will remain unchanged"

Comr. Sciaraffa motioned to table item. Comr. Cortez-Brunner seconded the motion.

Motion carried 3-2 with Comr. Gutierrez and Comr. Garza voting against.

- Item No. 47 Discussion and possible action for the Commissioners' Court to appointment the following as a scoring committee to evaluate the proposal for the William N. Hall Bldg. Art Plan P-2005-03:
Yolanda Carrillo Cordelia Valdez

Eliza Martinez
Cynthia Mares

Martha Martinez
Esther Moreno

Cmr. Cortez-Brunner motioned to approve the item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 48 Discussion and possible action for the Commissioners Court to award/reject Bid No. 2005-48 "One 86 x 68 Sq. Ft. Modular Building" for the Webb County Head Start Program in the amount of \$281,330.00 from Comark Building Systems.

Cmr. Sciaraffa motioned to approve the item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 49 Discussion and possible action to award/reject the following:
- | | |
|-------------|---|
| Bid 2005-55 | Rio Bravo Storm Drainage Project Phase II" |
| P-2005-04 | Street Paving and Storm Drainage for Colonias" |
| P-2005-05 | Boys and Girls Club for City of Rio Bravo, Texas" |
| Q-2005-06 | Preliminary Geotechnical & Phase I Environmental Services Former Dipping Vat Site |

Cmr. Sciaraffa motioned to defer Bid 2005-55 and P-2005-05. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Eloy Ramirez, Purchasing Agent, stated that for P-2005-04, he was recommending the following:

Mejia Engineering for Los Altos
Puig Engineering, L.L.C. for Old Milwaukee
Arquidis for Peñitas West
TEC Engineering & Consultants for Ranchitos 359
Sherfey Engineering for San Carlos I and II
Foster Engineering for Tanquecitos I and II

Cmr. Sciaraffa motioned to accept and award P-2005-04 as stated. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Eloy Ramirez, Purchasing Agent, stated that for Q-2005-06, he received two proposals and was recommending Drash Engineering.

Cmr. Gutierrez motioned to award Q-2005-06 as stated. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 50 Discussion and possible action to approve the following six (6) applicants for solicitation of bids sponsored by ORCA Program for the

Economic Development Program:

| | | |
|-------------------|----------------------|---------------|
| Rosa De Leon | 1606 Margarita | Rio Bravo, TX |
| Veronica Gonzalez | 1813 Patricia | Rio Bravo, TX |
| Maria Celis | 1215 Paseo del Tiber | Rio Bravo, TX |
| Alma Gomez | 504 Rio Hudson | Rio Bravo, TX |
| Susana Vela | 1844 Gladiola | Rio Bravo, TX |
| Maria Romo | 508 Hudson | Rio Bravo, TX |

Cmr. Sciaraffa motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 51 Discussion and possible action for the Commissioners Court to award/reject the following bids for the CAA-Weatherization Program and CEAP program to the following vendors:
- Bid No. 2005-49 Weatherization Contractors for Labor & Materials
 - Primary- Juan Rodriguez
 - Secondary-AA Builders
 - Bid No. 2005-50 Weatherization Contractors for Attic & Wall Insulation
 - Primary-Border Insulation
 - Bid No. 2005-51 Window A/C Units, Space Heaters & Refrigerators
 - Primary-Juan Rodriguez
 - Bid No. 2005-52 Water Heaters
 - Primary-AA Builders
 - Secondary-City Plumbing
 - Bid No. 2005-53 Central Heating/Cooling Units (HVAC)
 - Primary-AA Builder

Cmr. Gutierrez motioned to defer this item. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 59 Adjournment

Cmr. Sciaraffa motioned to defer the meeting. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

PLEASE BE ADVISED THAT NO ACTION OR DISCUSSION WAS TAKEN ON THE FOLLOWING ITEM:

- Item No. 11 Status report on oil/gas litigation by Webb County as Trustee for school lands, including surface damages for any oil/gas wells on school lands with discussion and possible action as deemed appropriate by the court regarding representation, litigation, and pending claims.